

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

STEPHEN G. SMITH,
Plaintiff,

v.

R.R. DONNELLEY AND SONS
COMPANY,
Defendant.

CIVIL ACTION

NO. 10-1417

FILED

APR 13 2012

NICHOLE L. STENZ, Clerk
Dep. Clerk

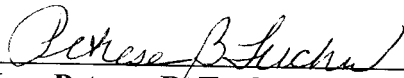
ORDER

AND NOW, this 13th day of April, 2012, upon consideration of Defendant's Motion for Judgement as a Matter of Law, **IT IS HEREBY ORDERED AND DECREED** that the Motion is **GRANTED.**¹

IT IS FURTHERED ORDERED that the Clerk shall mark this case as closed for statistical purposes.

BY THE COURT:

ENTERED
APR 13 2012
CLERK OF COURT


Hon. Petrese B. Tucker, U.S.D.J.

¹ Federal Rule of Civil Procedure 50 permits a district court to grant judgment as a matter of law when, after a party has been fully heard on an issue during a trial, "the court finds that a reasonable jury would not have a legally sufficient basis to find for the party on that issue." FED. R. CIV. P. 50(a)(1). Judgment as a matter of law is therefore appropriate when a plaintiff fails to present sufficient evidence for a reasonable jury to find for him on a material element of his claim.

Here, the Court finds that Plaintiff has failed to show that the employer's stated reason for Plaintiff's termination was pre-textual. Defendants contend that it terminated Plaintiff due to inconsistencies in his story. Evidence was presented before the Court showing that Plaintiff offered several different accounts detailing how he was injured. Moreover, it is Defendant's policy to discharge an employee for being dishonest due to the highly confidential nature of its work. Hence, the Court finds that the evidence presented does not suggest that a retaliatory animus was a motivating factor in the employer's decision to terminate Plaintiff. Accordingly, the Court will grant judgement as a matter of law in Defendant's favor.